IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 11816 of 2004

Between:

M/s. Laxmi Electrical Works, Rep. by its Managing Partner,
Mr. K. Narasimha, D.No. 12-2-790/A/69 GF,
Ambedker Nagar, Rethi Bowli, Mehdipatnam, Hyderabad.

..... PETITIONER

AND

1. The Municipal Corporation of Hyderabad, Rep. by its Commissioner,
   CC Complex Building, Tank Bund Road, Hyderabad.

2. AP Central Power Distribution Company Limited, Rep. by its Chief

General Manager (Operation), Singareni Bhavan, Red Hills,

Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 1st respondent in his Tender Notice No.3/EE(Elect.)/MCH/2004-05, dated
28-06-2004 imposing the condition that 'in clause 2 of the Tender Notice is illegal arbitrary, without jurisdiction and also violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to permit the petitioner to participate in the tender basing on the certificate issued by the 2nd respondent

dated 8-7-2004 and declared as eligible bidder in the tenders basing on the monetary limit of Rs.5 Lakhs.

For the Petitioner: MR.B.KAMALAKARA RAO, Advocate

For the Respondent No.1: Mr. G. Ramarao, SC for MCH

For the Respondent No.2: SMT.M.VINOBHA DEVI, SC for APCPDCL

The Court at the admission stage made the following :

Order:

Heard the learned counsel for the petitioner, the learned Standing Counsel for first respondent and the learned Standing Counsel for second respondent and at their request, the writ petition itself is taken up for final disposal at the stage of admission.

Assailing the tender notice dated 28-6-2004 issued by the first respondent-Municipal Corporation of Hyderabad imposing a clause for APCPDCL bidders to have registration certificate with monetary limit of Rs.20.00 lakhs in connection with the work relating to maintenance of Conventional Street Lights in Twin Cities of Hyderabad and Secunderabad, as illegal and arbitrary, the present writ petition is filed.

The petitioner claims to be electrical contractor doing the works of second respondent-Andhra Pradesh Central Power Distribution Company Limited (for short "APCPDCL"). It is alleged that he was contractor for the work relating to maintenance of street lights, on & off of street lights in twin cities of Hyderabad and Secunderabad for several years, when the same was under the management of the second respondent. Now the first respondent-Municipal Corporation of Hyderabad has taken over their maintenance from the second respondent, and issued the impugned tender notice dated 28-6-2004 inviting sealed tenders from contractors for the said work, imposing a clause for APCPDCL bidders to have registration certificate with monetary limit of Rs.20.00 lakhs. The petitioner states that in view of the said clause, he is ineligible to participate in the tender proceedings, inasmuch as he has monetary limit of Rs.5.00 lakhs only, which is the maximum limit as per the rules of the second respondent. Assailing the enhancement made by the first respondent unilaterally, as illegal and arbitrary, the present writ petition is filed.

The first respondent-Municipal Corporation of Hyderabad is entitled to impose

conditions as are necessary for choosing efficient contractors for better and effective execution of the works vested in them, and as such the contention of the petitioner that the enhancement made by the first respondent unilaterally in the monetary limit from Rs.5.00 lakhs to Rs.20.00 lakhs for the works in question as illegal and arbitary, cannot be countenanced and more so when imposition of such a clause is within the domain of the first respondent and this court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India does not interfere with it.

The writ petition is accordingly dismissed. No costs.

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N.V. RAMANA, J

Date: 16-7-2004

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To

1. The Commissioner, Municipal Corporation of Hyderabad, CC Complex Building, Tank Bund Road, Hyderabad.

2. Two CD copies.

3. The Chief General Manager (Operation), A.P. Central Power Distribution Company Limited, Singareni Bhavan, Red Hills, Hyderabad.